

**REMARKS**

Claims 1-12 remain pending in the application.

**Claims 1 and 2 over Horan**

In the Office Action, claims 1-12 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Pat. No. 6,347,136 to Horan ("Horan"). The Applicants respectfully traverse the rejection.

Applicants reserve the right to swear back of the Horan reference with a suitable Affidavit or Declaration under 37 C.F.R. 1.131. It would seem unnecessary to do so, however, as Horan is quite different from the present invention.

Claims 1-3 recite introducing **over a telephone line** a digitized version of an **audio** message relating to a call from a calling telephone to a called telephone while a telephone line of the called telephone remains in an **on-hook state**. Claims 4-6 recite receiving **over a telephone line** a digitized version of said audio message relating to a call from said calling telephone to a called telephone: (1) while a telephone line of the called telephone remains in an **on-hook state**; and (2) **during a silent interval** following a ringing signal appearing at the called telephone. Claims 7-9 recite introducing **over a telephone line** a digitized version of an **audio** message relating to a call from a calling telephone to a called telephone: (1) while a telephone line of the called telephone remains in an **on-hook state**; and (2) **during a detected silent interval**. Claims 10-12 recite receiving **over a telephone line** a digitized version of an **audio** message relating to a call from a calling telephone to a called telephone: (1) while a telephone line of the called telephone remains in an **on-hook state**; and (2) **during a detected silent interval**.

The Examiner alleges that Horan's detection of the ICLD signal between ring signals is a "digitized version of an audio message", citing col. 4, lines 25-49).

Horan teaches that a calling party's telephone number is encoded in an incoming caller line identification ("ICLID") signal, and transmitted while the

telephone of the called party is ringing. (Horan, col. 1, lines 19-22). Thus, the ICLID signal is clearly merely a digitized version of the caller's telephone number.

The Examiner is respectfully requested to review claims 1-12 herein, which explicitly require transmission of a digitized audio message.

Horan fails to disclose any audio message over a telephone line as required by claims 1-12 of the present invention.

Horan uses a calling telephone number in a local look-up table to find a matching, pre-recorded message to playback.

Horan clearly teaches the use of received and decoded caller ID information (ICLID information), to locate and play back a locally pre-recorded message for local playback. (See, e.g., Horan, Abstract) There is absolutely no introduction or receiving of a digitized audio message over a telephone line in Horan, much less while the called party is on-hook, as recited by claims 1-12.

For at least all the above reasons, claims 1-12 are patentable over the cited art of record. It is therefore respectfully requested that the rejection be withdrawn.

### **Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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